

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

James Chappell,  
Petitioner  
v.  
Renee Baker, et al.,  
Respondents

2:16-cv-00645-JAD-VCF

**Order Granting Application to Proceed  
*In Forma Pauperis* and Appointing  
Counsel**

[ECF 5, 6]

Nevada state prisoner James Chappell brings this § 2254 petition to challenge his state court conviction and resultant death sentence.<sup>1</sup> Chappell has also submitted an application to proceed *in forma pauperis*<sup>2</sup> and a motion for appointment of counsel.<sup>3</sup>

Chappell's IFP application shows that he lacks the resources necessary to hire counsel to pursue his petition, so under 18 USC § 3599 and in the interests of justice, I appoint the Federal Public Defender for the District of Nevada (FPD) to represent him. If the FPD is unable to represent Chappell, alternate counsel will be appointed. I have also screened Chappell's petition under Rule 4 of the rules governing § 2254 cases, find that it does not appear from the face of his petition that relief is unavailable, and direct the Clerk of Court to serve the petition on respondents.

**Conclusion**

Accordingly, IT IS HEREBY ORDERED that petitioner's Application to Proceed *in Forma Pauperis* [ECF 5] and Motion for Appointment of Counsel [ECF 6] are **GRANTED**.

IT IS FURTHER ORDERED that the Federal Public Defender for the District of Nevada is appointed to represent petitioner. The Federal Public Defender must file a notice of appearance as counsel for petitioner or file a notice indicating its inability to represent petitioner in these

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<sup>1</sup> ECF 1.

<sup>2</sup> ECF 5.

<sup>3</sup> ECF 6.

1 proceedings by **May 4, 2016**.

2 The Clerk of Court is instructed to electronically serve a copy of this order on Brad  
3 Levenson, at the office of the Federal Public Defender for the District of Nevada and to add Adam  
4 Paul Laxalt, Attorney General of the State of Nevada, as counsel for respondents.

5 The Clerk of the Court is further instructed to electronically serve respondents with a copy of  
6 Chappell's petition and a copy of this order. Respondents' counsel must enter a notice of appearance  
7 by **May 4, 2016**, but need not take any further action in this case until ordered to do so.

8 Dated this 4th day of April, 2016.

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11 Jennifer A. Dorsey  
12 United States District Judge  
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